

## NAYS—9.

Davis, Evans, Harris,	Johnson of Collin, Martin, Pfeuffer,	Pope, Randolph, Stratton.
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Senator Pope moved a call of the Senate.

Senator Houston raised the point of order that after the main question was ordered the call was out of order.

Point of order sustained, when Senator Pope appealed from the decision of the chair.

The chair, in its ruling, was sustained by the following vote:

## YEAS—25.

Collins, Cooper, Evans, Farrar, Fleming, Fowler, Getzendaner, Gooch, Harris,	Houston, Johnson of Collin, Johnston of Shelby, Jones, King, Kleberg, Martin, Matlock,	Peacock, Perry, Pfeuffer, Randolph, Shannon, Stratton, Terrell, Traylor.
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## NAYS—2.

Davis,	Pope.
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Senator Peacock's motion to reconsider the vote to recommit the pending bill to the committee, etc., was then lost by the following vote:

## YEAS—13.

Collins, Cooper, Fowler, Gooch, Houston,	Johnston of Shelby, King, Martin, Matlock,	Peacock, Shannon, Terrell, Traylor.
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## NAYS—14.

Davis, Evans, Farrar, Fleming, Getzendaner,	Harris, Johnson of Collin, Jones, Kleberg, Perry,	Pfeuffer, Pope, Randolph, Stratton.
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Senator Peacock then moved to commit the pending bill to a committee of the whole Senate.

Senator Houston raised the point of order that this motion was out of order, as the bill had already been recommitted to a committee of the Senate, and was not now before the body.

Point of order sustained.

Senator Gooch offered the following resolution:

*Resolved*, That the Committee on Public Lands is instructed to prepare, as soon as practicable, a bill containing the following provisions, among others:

1. The bill shall contain provisions both for sale and lease of the school land.
2. The land shall not sell for less than \$2.00 for unwatered land, \$2.50 for watered land, and \$5.00 for timber land not suitable for lumber.
3. The timber useful for lumber shall be sold, and the land reserved.
4. Pasture lands not timbered shall be leased, by competition, for not less than three cents an acre, nor for longer terms than twenty years.
5. The land shall be sold on forty years' time.
6. The rate of interest shall be 4 per cent.
7. The principal on deferred payments shall not be paid for ten years after sale.
8. Corporations shall not be permitted to own more than 640 acres of the land.
9. Forfeiture of the land shall be provided for without judicial ascertainment.
10. The amount of land that may be purchased by any one person shall be confined to one section of farming land, or seven sections of unwatered pasture land.
11. The land shall be sold to actual settlers only.
12. Actual settlers shall have the preference of purchase.

Senator Davis made the point of order that the resolution was not proper under the rules, etc.

Point of order overruled.

Senator Fleming moved to refer the pending resolution to the Committee on Public Lands, with the bill just referred to said committee.

Senator Pfeuffer moved to adjourn, which was lost by the following vote:

## YEAS—9.

Cooper, Davis, Farrar,	Fleming, Getzendaner, Houston,	Jones, King, Pfeuffer.
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## NAYS—17.

Collins, Evans, Fowler, Gooch, Harris, Johnson of Collin,	Kleberg, Martin, Matlock, Peacock, Perry, Pope,	Randolph, Shannon, Stratton, Terrell, Traylor.
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Senator Fleming's motion to refer the resolution of Senator Gooch to the Committee on Public Lands, was lost by the following vote:

## YEAS—8.

Davis, Evans, Farrar,	Fleming, Johnson of Collin, Jones,	Pfeuffer, Pope.
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## NAYS—18.

Collins, Cooper, Fowler, Getzendaner, Gooch, Harris,	Houston, King, Kleberg, Martin, Matlock, Peacock,	Perry, Randolph, Shannon, Stratton, Terrell, Traylor.
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Senator Davis moved a call of the Senate.

Call sustained.

Absent, Senators Gibbs, Johnston of Shelby and Pope.

Senator Terrell moved to suspend the call so as to make a motion to go into a committee of the whole to-morrow after the morning call, to consider the pending resolution of Senator Gooch.

Adopted, and call suspended.

Senator Terrell then moved that the further consideration of the pending resolution be postponed until to-morrow after the morning call, and made the special order for that hour, to be considered as already ordered by the Senate.

Adopted.

On motion of Senator Kleberg, the First Assistant Secretary, C. M. Boynton, Esq., was excused for the week, in consequence of pressing business.

On motion of Senator Davis, the Senate adjourned until 10 o'clock a. m., to-morrow.

## THIRTY-FIRST DAY.

SENATE CHAMBER, }  
AUSTIN, TEXAS, February 14, 1883. }

Senate met pursuant to adjournment.

Lieutenant-Governor Martin in the chair.

Roll called. Quorum present.

Prayer by the Chaplain, Rev. Dr. Smoot.

On motion of Senator Peacock, the reading of the journal of yesterday was dispensed with, and the same adopted.

Senator Matlock presented a petition from the citizens of Baylor county, asking for the passage of a special act to prevent the sale and giving away of vinous, malt, and intoxicating liquors, within five miles of the center of the public square of the town of Seymour, Baylor county.

Referred to Judiciary Committee No. 2.

Senator Randolph presented a memorial from 91 of the citizens of Leon county, asking for the submission of a constitutional amendment on prohibition.

Referred to Committee on Constitutional Amendments.  
 Senator Cooper, for Committee on State Affairs, submitted the following reports:

COMMITTEE ROOM,  
 AUSTIN, February 14, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 245, entitled "An act to amend sections 7, 14, 21, 33, 35, 36, 40 and 45, of 'an act incorporating the city of Houston, in Harris county,' approved April 21, 1879, and section 23 and 31 of said act of the Legislature of the State of Texas, approved March 9, 1881, and substituting the following sections therefor," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

I am further instructed to report that the legal notice of an intention to apply for the passage of this act, has been duly given, and the time had expired before the introduction of said bill.

All of which is respectfully submitted.

COOPER, for Committee.

Bill read first time.

COMMITTEE ROOM,  
 AUSTIN, February 13, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 237, "An act to erect a monument to the memory of Gen. Sam Houston," have considered the same, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

COOPER, for Committee.

Bill read first time.

Senator Cooper, chairman of Committee on Contingent Expenses, submitted the following report:

COMMITTEE ROOM,  
 AUSTIN, February 13, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Contingent Expenses, to whom was referred Senate bill No. 88, "An act making an appropriation to defray the contingent expenses of the Eighteenth Legislature, convened January 9, 1883," have considered the same, and I am instructed by the committee to recommend that it lie upon the table, for the reason that a House bill, embracing the object of this bill, has already become a law.

COOPER, Chairman.

Bill read first time.

Senator Fleming, chairman of Committee on Federal Relations, submitted the following report:

COMMITTEE ROOM,  
 AUSTIN, February 14, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Federal Relations, to whom was referred Senate joint resolution No. 30, "Requesting Texas Senators and Representatives to urge upon Congress the settlement of the claims of those who suffered from the burning of the town of Brenham, Texas, in 1866," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

FLEMING, Chairman.

Read first time.

The President gave notice of signing Senate bill No. 190, "An act making a special appropriation for the support of the Supreme Court at Galveston, Tyler, and Austin.

Senator Stratton, chairman of Committee on Public Health, submitted the following report:

COMMITTEE ROOM,  
 AUSTIN, February 14, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Public Health, to whom was referred Senate bill No. 240, entitled "An act to aid in the preventing of the spreading of small pox, and to provide sanitary regulations for guidance of the State Health Officer, and other officers and employees," have carefully examined the same, and a majority instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

STRATTON, Chairman.

Bill read first time.

Senator Pfeuffer presented a petition from a great many citizens of his senatorial district (the twenty-fifth), asking the passage of such laws and such constitutional amendments as are necessary to give the people of the State an opportunity to establish in their midst an efficient and practical free school system. That experience has shown that the county judges are not elected with special reference to their qualification as managers of schools. We therefore ask for the passage of a law dividing the State into districts—say about as many as representative districts—and providing for the election of a superintendent in each district, whose duty it shall be to organize school communities, wherever and whenever the people may desire, to supervise the public free schools, examine teachers for their calling by examinations, and holding of normal institutes and teachers' meetings. That no one shall be eligible to said office of superintendent unless he be a teacher by profession, and has had several years' experience as a teacher, or is a graduate of some recognized college or normal school, or possesses some literary calling.

They respectfully suggest to the consideration of the Legislature that by paying such superintendents a respectable and adequate salary the total expense to the State would not greatly exceed the amount now paid as allowances, fees, etc., and for which the people of the State do not receive an adequate return. They further call attention to the unjust discrimination by law between citizens of the county and those of cities and towns, in the full enjoyment of the benefits of the pro rata fund. This pro rata is not sufficient to maintain a school the necessary length of time to be of sufficient benefit, and the country districts are deprived of the benefits allowed the city and town schools, etc. They therefore ask the enactment of such laws and constitutional provisions as will enable county school communities to levy a tax for free school purposes, and in the same manner as cities and towns are now allowed to do, and that these school communities elect their own officers, and that no school community, after two years organization, shall be entitled to the pro rata State school fund unless it has maintained a public free school for at least six months during the preceding year, etc.

Senator Kleberg, for special Senate Committee, submitted the following report:

COMMITTEE ROOM,  
 AUSTIN, February 14, 1883.

Hon. Marion Martin, President of the Senate:

Your joint committee of the two Houses, in regard to the purchase of the Alamo property, have had the same under consideration, and report as follows:

At the meeting of the said joint committee, on yesterday, Hon. Joseph E. Dyer, of San Antonio, was before us, and gave us valuable information in regard to the matter. He represented the owner of the property.

On motion of Senator Pope, unanimously adopted, it was decided that we ask the permission of the two Houses that said joint committee leave next Saturday for San Antonio, for the purpose of making a personal inspection of the said property, and to report thereon to the Legislature.

We ask this leave to make said personal inspection for the reason that we believe the Legislature can act more intelligently in the matter after the facts in the case are laid before it by said committee.

R. KLEBERG,  
 W. H. POPE,  
 J. R. FLEMING,  
 Senate Committee.  
 W. T. ARMISTEAD,  
 M. H. TOWNSEND,  
 W. MERRIWETHER,  
 House Committee.

Senator Fowler, chairman of Senate free conference committee to settle the disagreement between the House and Senate on Senate bill No. 39, entitled "An act to

amend articles 314 and 315, chapter 3, title 9, of the Penal Code of the State of Texas," submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 13, 1883.

Hon. Marion Martin, President of the Senate, and Hon. C. R. Gibson, Speaker of the House of Representatives:

The conference committee on the part of the Senate and the House, appointed to consider the disagreement between the Senate and the House, on Senate bill No. 39, having conferred together and considered the same, beg leave to make the following report:

The committee have agreed that the House recede from each of its amendments to the original bill, so far as they strike out any part of said bill, and that said bill be amended by inserting after the word "place," and before the word "to," in the fourteenth line of the printed bill, the words "at which people are assembled or," and recommend that the amendment, as proposed by this committee, be adopted.

FOWLER, Chairman Senate Committee.  
TAYLOR, Chairman House Committee.

Senator Houston introduced a bill entitled "An act to prescribe the time for holding the terms of the district court in the several counties comprising the twenty-fourth judicial district."

Referred to Committee on Judicial Districts.

Senator Fleming introduced a bill to be entitled "An act for the relief of W. S. Anderson, providing for the refunding, by the State, of certain taxes illegally collected."

Referred to Committee on Claims and Accounts.

Senator Matlock introduced a bill to be entitled "An act to prohibit the sale or giving away of intoxicating liquors within five miles of the center of the public square in the town of Seymour, Baylor county."

Referred to Judiciary Committee No. 2.

Also, "An act to amend article 379 of the Penal Code, and add thereto article 379a, 379b, 379c and 379d, in reference to the enforcement of the local option laws."

Referred to Judiciary Committee No. 2.

Senator Pfeuffer moved to suspend the regular order of business, and take up the joint committee report made by Senator Kleberg this morning, relative to the inspection of the Alamo, etc.

Adopted, and report of joint committee also adopted.

On motion of Senator Houston, the report of the free conference committee on disagreements of the two Houses on Senate bill No. 39, just referred to, was adopted.

Senator Peacock, chairman of Committee on Public Buildings and Grounds, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, February 14, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Public Buildings and Grounds, to whom was referred Senate bill No. —, entitled "An act authorizing the State Firemen's Association to erect a monument in the capitol grounds, in the city of Austin," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with the following amendments: Amend the caption by striking out the word "authorizing," and insert "to permit." Amend section 1 of the bill by striking out the word "authorized," and inserting "permitted."

All of which is respectfully submitted.

PEACOCK, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 14, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Public Buildings and Grounds, to whom was referred the memorial of James B. Smith, late contractor for the building of the temporary State capitol, have carefully examined the same, and a majority instruct me to report the same back with the recommendation that only so much of said claim be allowed as is provided for in the accompanying bill, and that said bill do pass.

All of which is respectfully submitted.

PEACOCK, Chairman.

Bill read first time.

The morning call over, on motion of Senator Terrell, the Senate went into committee of the whole in consideration of the pending resolution of Senator Gooch.

(Senator Houston in the chair.)

IN SENATE.

(Lieutenant-Governor in the chair.)

The chairman of the committee of the whole Senate reported progress in the consideration of the business before the committee, and asked leave to sit again as a committee of the whole Senate to-morrow morning after the morning call.

Report received and request granted.

The following messages were received from the House, announcing the passage by that body of the following bills, to-wit: House bill No. 35, to be entitled "An act to amend article 426 of the Penal Code, as amended March 15, 1881," and substitute House bill No. 36, to be entitled "An act to amend article 743 of the Penal Code," and also the following:

AUSTIN, February 14, 1883.

Mr. President:

I am instructed to inform your honorable body that the following members of the House have been appointed on free conference committee to consider the difference of the two Houses on Senate amendment to House bills Nos. 95 and 196, viz: Messrs. Frymier, Caven and Henderson.

J. W. BOOTH,  
Chief Clerk.

Also, the following message was received from the House, announcing the passage of House bill No. 34, to be entitled "An act to amend article 186 of the Penal Code," and House bill No. 286, to be entitled "An act to provide a clerk for the Secretary of the Board of Education, to fix his salary, and to make an appropriation for the same."

On motion of Senator Shannon, the Senate adjourned until 10 o'clock a. m. to-morrow.

### THIRTY-SECOND DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, February 15, 1883. }

Senate met pursuant to adjournment.

Lieutenant-Governor Martin in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Senator Randolph, the reading of the journal of yesterday was dispensed with, and the same adopted.

Senator Davis presented a petition of F. M. Sherwood and other citizens of Dexter, Cook county, for an amendment to the Constitution, forbidding the manufactory and sale of intoxicating liquors.

Referred to Committee on Constitutional Amendments.

Senator Shannon presented a memorial of numerous citizens of Parker county, praying the Legislature to pass a joint resolution permitting the people of Texas to vote on a constitutional amendment prohibiting the importation, manufacture or sale of intoxicating liquors in the State.

Referred to committee on Constitutional Amendments.

Senator Traylor introduced the following bills:

A bill entitled, "An act to amend article 435 of the Code of Criminal Procedure of the State of Texas, providing for the transfer of indictments from the district courts to courts having jurisdiction thereof, and amendatory thereof, approved February 5, 1881."

Referred to Judiciary Committee No. 2.